APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,167	05/24/2000	Paul Entwistle	00279	4629

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EXAMINER
HOYE, MICHAEL W

ART UNIT	PAPER NUMBER
2614	12

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 July 2004_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-13_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-13_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _24 May 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All b)☐ Some * c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed on 7/14/2004 have been fully considered but they are not

persuasive.

As to claims 1 and 9, the Applicant argues on pages 6-8 of the Remarks section that,

"…the packet identifiers of each stream are demultiplexed and re-mapped in a local database.

This feature is not found in either the '651 patent to Blatter et al or the '493 patent to Magee et

al."

In response, the Examiner respectfully disagrees with the Applicants because the claims

as written use the word "comprising" which is open-ended, both the Applicants invention and the

cited prior art references disclose more information on the functionality of their respective

systems than what is described in the language of the claims. Moreover, the Blatter et al (USPN

5,835,493) reference discloses that the packet identifiers (PIDs) of each stream are demultiplexed

and re-mapped, if necessary, using a local database (see Units 45 and 47 in Fig. 1, col. 4, lines

23-67 and col. 8, lines 17-54). In addition, the Magee et al (USPN 5,754,651) also discloses the

claimed demultiplexing and remapping of PIDs… as described in col. 12, lines 7-25.

Furthermore, as described in greater detail in the rejections below, the Applicant's specification

does not explicitly disclose demultiplexing only the packet identifiers within the data streams.

Claim Objections

2.   Claim 1 is objected to because of the following informalities: in line 8 of the claim the

words, "said data packet identifiers" should be --said packet identifiers--. Appropriate correction

is required.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

4.   Claims 1 and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the written description requirement. The claims contain subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed

invention. The claimed, "...said receiving apparatus incorporating means for receiving said

plurality of data transport streams and processing said streams such that **only** the packet

identifiers of each stream are locally demultiplexed and re-mapped using the local database," in

claim 1, and the claimed, "locally demultiplexing **only** the packet identifiers within said data

streams," in claim 9, has not been explicitly described in the specification. Specifically, on

pages 5-6 of the specification, the Applicant, describes that, "the Packet identifiers

(PID's)...may need to be remapped...the transport data streams [are] demultiplexed as

described, ...[and] selected packets of data are multiplexed into a single transport stream of

data..." However, the specification does not explicitly disclose demultiplexing only the packet

identifiers within the data streams.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter et al

(USPN 5,754,651), in view of Magee et al (USPN 5,835,493), both cited by the applicant.

As to claim 1, note the Blatter et al reference which discloses a broadcast data receiver

apparatus. The claimed receiving and processing data from a number of received data transport

streams is met by transport system 25 shown in Fig. 1, which receives data steams from antenna

10 (col. 3, lines 24-26 & 38-39), as well as storage device 90, and storage medium 105, the

claimed data broadcast from a remote location is met by the data received by antenna 10 in Fig.

1. The claimed storage means for storing a local database is met by storage PID selection 47 in

Fig. 1. The claimed processing means capable of processing a single stream of data is met by

transport decoder 55 in Fig. 1, further including elements 45 and 47, the claimed receiving

apparatus incorporating means for receiving data transport streams and processing such that

packet identifiers of each stream are demultiplexed and re-mapped using the local database is

met by the input processor 15, the demodulator 20, the decoder 30, wherein demultiplexing is

inherently performed, and by the decode PID selection 45 and the storage PID selection. The

claimed selected portions of data corresponding to said packet identifiers from said transport steams are multiplexed into a single transport steam of data is met by Units 45 and 47 in Fig. 1 as well as control signal C and multiplexer (mux) 37 in Fig. 1 (col. 4, lines 23-67, also see col. 8, lines 17-54). Although the Blatter et al reference discloses all aspects of the claimed apparatus, the Magee et al reference discloses some portions of the claim in more detail. The Magee et al reference discloses a receiver apparatus that receives multiple data transport streams in the DLM's 110 in Fig. 2 (col. 12, lines 24-25), where the transport steams received are clearly remapped (col. 12, lines 7-16) and selected portions of data from the transfer steams are multiplexed into a single transport stream (col. 7, lines 46-48; col. 8, lines 1-8; and col. 9, line 64 – col. 10, line 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the broadcast data receiver apparatus of Blatter et al with the transport steam remultiplexer apparatus of Magee et al for the advantage of receiving multiple separate data transport streams wherein each stream is demultiplexed, remapped, and selected portions of data are multiplexed into a single transport stream. One of ordinary skill in the art would have been led to make such a modification since selecting portions of data from transport streams and multiplexing the data into a single transport stream is well known in the art, especially, in the art of remultiplexers.

As to claim 2, the Blatter et al reference discloses the claimed broadcast data receiver apparatus wherein the transport streams of data are received from both a remote broadcast location as met by the antenna 10 as shown in Fig. 1, and data storage means connected to or incorporated in the receiver as met by the storage device 90 and storage medium 105 as shown in Fig. 1.

As to claim 3, the Blatter et al reference discloses the claimed broadcast receiver apparatus wherein said single transport stream of data generated by the multiplexing steps includes selected packets of data from the data transport steams of data received as described in col. 4, lines 23-56.

As to claim 4, the Blatter et al reference discloses the claimed broadcast data receiver apparatus wherein said packets of data are selected automatically as they represent data that is required for the said broadcast data receiver apparatus operate in response to user selections as described in col. 4, lines 23-56, where a user selects the content or programs he wishes to view (lines 32-33), and the system controller 115 uses the selection information to configure the system to select the data packets identified and using control signal C, which is sent to the multiplexer 37 for selecting the proper transport steam.

As to claim 5, the Blatter et al reference discloses the claimed broadcast data receiver apparatus wherein the selected data that is multiplexed into a single stream is stored or recorded in accordance with the operating parameters for the receiver apparatus as described in col. 4, lines 32-56, where the selected data or programs are stored according to the operating parameters selected by the user.

As to claim 6, the Blatter et al reference discloses the claimed broadcast data receiver apparatus wherein the data processing means are integrated circuits (see col. 16, lines 54-58, where the functions of the elements of Fig.1 may be implemented in whole or in part by a micro processor, which is inherently an integrated circuit), which accept one data input stream as shown by the single data stream output by the multiplexer 37 that is sent to elements 45 and 47 in Fig. 1.

As to claim 7, the Blatter et al reference discloses the claimed broadcast data receiver apparatus wherein the single transport data stream is presented to single data stream input components in the receiver as shown by the single data stream output by the multiplexer 37 that is sent to elements 45 and 47 in Fig. 1, which allow the data to be used to perform a designated function such as ultimately displaying the data or storing the data (col. 4, lines 59-65).

As to claim 8, the Blatter et al reference discloses the claimed broadcast data receiver apparatus wherein the designated function is selected from the generation of video displays (col. 4, lines 32-33), the recording of programs (col. 4, lines 32-34), the playback of programs (col. 4, line 45), the generation of electronic program guides (col. 16, lines 58-61) or on-screen menu selection (col. 4, lines 32-35), linking with Internet services and other apparatus (col. 3, lines 30-37).

As to claim 9, note the Blatter et al reference which discloses a method for the generation of a single stream of data. The claimed generation of a single stream of data for subsequent processing, from received multiple transport streams of data is met by the multiplexer 37 (Fig. 1) receiving multiple transport streams of data and generating a single output stream of data. The claimed step of receiving a plurality of transport streams of data comprising packet identifiers is met by transport system 25, that includes PIDs (col. 4, lines 23-29) as shown in Fig. 1, which receives data steams from antenna 10 (col. 3, lines 24-26 & 38-39), storage device 90, and storage medium 105, the claimed locally demultiplexing the packet identifiers within said data streams is met by the input processor 15, the demodulator 20, and the decoder 30, which are all part of the local receiver as shown in Fig. 1, as well as, Units 45 and 47 (see col. 4, lines 23-67, also see col. 8, lines 17-54). The claimed re-mapping the packet identifiers within the data and

selecting packets of data from the transport steams in accordance with user selection criteria is

met by a user selection through the use of the remote control unit 125, which causes the receiver

apparatus system controller 115 to send control signal C and select signal paths through the use

of multiplexer (mux) 37 in Fig. 1, the remapping also uses Units 45 and 47 (see col. 4, lines 23-

67, also see col. 8, lines 17-54), and the claimed multiplexing the selected packets of data into a

single stream of data for subsequent processing is met by Units 45 and 47 in Fig. 1, as well as

control signal C and multiplexer (mux) 37 in Fig. 1 (col. 4, lines 23-67, also see col. 8, lines 17-

54). Although the Blatter et al reference discloses all aspects of the claimed method, the Magee

et al reference discloses some portions of the claimed method in more detail. The Magee et al

reference discloses a method for receiving multiple data transport streams in the DLM's 110 in

Fig. 2 (col. 12, lines 24-25), where the transport steams received are remapped (col. 12, lines 7-

16) and selected portions of data from the transfer steams are multiplexed into a single transport

stream (col. 7, lines 46-48; col. 8, lines 1-8; and col. 9, line 64 – col. 10, line 5). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to

have combined the method of Blatter et al for the generation of a single stream of data for

subsequent processing with the transport steam remultiplexer method of Magee et al for the

advantage of receiving multiple separate data transport streams wherein each stream is

demultiplexed, remapped, and selected portions of data are multiplexed into a single transport

stream. One of ordinary skill in the art would have been led to make such a modification since

selecting portions of data from transport streams and multiplexing the data into a single transport

stream is well known in the art, especially, in the art of remultiplexers.

As to claim 10, the Blatter et al reference discloses the claimed method wherein at least one of the transport streams of data is broadcast data received from a remote location containing audio, video, and auxiliary services data is met by the antenna 10 as shown in Fig. 1 which receives transport streams of data containing audio, video, and/or other communications data (see col. 3, lines 24-40).

As to claim 11, the Blatter et al reference discloses the claimed method wherein demultiplexing of the received data from each transport stream is performed in accordance with the data and identified by the receiver to identify the packets of data as described by the transport stream contains Program Specific Information (PSI) that is identified by the receiver and used for identifying Packet Identifiers (PIDs) which identify the packets of data (col. 4, lines 23-56).

As to claim 12, the Blatter et al reference discloses the claimed method wherein the re-mapping of the data packets identifier takes place under control of the receiver to allow the required data to be multiplexed into a single stream and avoid identifier clashes between packets of data from different program streams as described in col. 8, lines 17-47 (specifically, lines 40-47), also see col. 4, lines 23-47.

As to claim 13, the Blatter et al reference discloses the claimed method wherein the locally controlled re-mapping of the PIDs allows the origin of the data to be subsequently identified in subsequent processing the same by the inherency of using PID allocation schemes that avoid potential PID ambiguity which allows the origin of the data to be maintained (col. 8, lines 17-54).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael W. Hoye whose telephone number is (703) 305-6954.

The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Miller, can be reached at (703) 305-4795.

Any response to this action should be mailed to:

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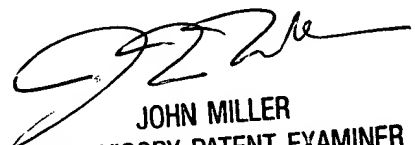Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Or faxed to: (703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,

Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to customer service whose telephone number is **(703) 308-HELP**.

Michael W. Hoye
October 20, 2004

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600